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Chairman: Mr. Wolfe ..... (Jamaica)

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The meeting was called to order at 10.25 a.m.

Agenda item 62: Social development (*continued*)

(a) Implementation of the outcome of the World Summit for Social Development and of the twenty-fourth special session of the General Assembly (*continued*) (A/C.3/62/L.10/Rev.1)

Draft resolution A/C.3/62/L.10/Rev.1: Implementation of the Outcome of the World Summit for Social Development and of the twenty-fourth special session of the General Assembly

1. **The Chairman** informed the Committee that the draft resolution contained no programme budget implications.

2. **Mr. Khane** (Secretary of the Committee) said that Armenia and Belarus should have been listed as sponsors of the revised draft resolution.

3. **Mr. Hayee** (Pakistan), speaking on behalf of the Group of 77 and China, said that, following a number of informal consultations, the following revisions to the draft resolution had been proposed. The first part of paragraph 12 should be reworded to read: "*Also reaffirms* the commitment to employment strategies and macroeconomic policies that actively promote opportunities for full, freely chosen and productive employment, including for the most disadvantaged, as well as decent work for all, in order to deliver social justice combined with economic efficiency, with full respect for fundamental principles and rights ...". The rest of the paragraph should remain unchanged.

4. A new paragraph should be inserted following paragraph 14, which would read: "*Reaffirms* that violence, in its many manifestations, including domestic violence, especially against women, children, older persons and people with disabilities, is a growing threat to the security of individuals, families and communities everywhere. Total social breakdown is an all too real contemporary experience. Organized crime, illegal drugs, the illicit arms trade, trafficking in women and children, ethnic and religious conflict, civil war, terrorism, all forms of extremist violence, xenophobia, and politically motivated killing and even genocide present fundamental threats to societies and the global social order. These are compelling and urgent reasons for action by Governments individually and, as appropriate, jointly to foster social cohesion while recognizing, protecting and valuing diversity." The text of the proposed paragraph 14 bis was based on paragraph 69 of the Programme of Action of the World Summit for Social Development. Lastly, in paragraph 19, the word "also" should be inserted before the word "noting". He trusted that, as in previous years, the draft resolution would be adopted by consensus.

5. **Mr. Khane** (Secretary of the Committee) said that the delegations of Albania, Andorra, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Luxembourg, Malta, Mexico, Moldova, Monaco, Montenegro, the Netherlands, Norway, Poland, Portugal, the Republic of Korea, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine and the United Kingdom of Great Britain and Northern Ireland had become sponsors of the draft resolution.

6. **Mr. Hagen** (United States of America) said that his delegation would join the consensus on the draft resolution, following the successful efforts of the sponsors to make improvements on the earlier drafts. It regretted, however, that the draft resolutions sought to redefine the development language that had been carefully negotiated at the International Conference on Financing for Development. Well-meaning sponsors of an expanded vocabulary could unwittingly undermine the consensus that allowed donors to commit themselves to increasing their official development assistance (ODA). A case in point was the reference in paragraph 29 to meeting the Millennium Development Goal target of 0.7 per cent of gross national product for ODA. The United States had more than doubled its ODA since the Conference, but numerous studies had shown that ODA was dwarfed by other sources, such as private investment flows, remittances and philanthropy. According to recent World Bank statistics, $647 billion in private investment capital alone had flowed into developing countries in 2006.

7. When applied strategically and effectively in areas such as government, health and education or free market reform, ODA could leverage critical changes that were vital for society's long-term growth and attract foreign investment. By contrast, an obsession with ODA — as expressed, for example, in the constant insistence on the 0.7 per cent target — could undermine the previously agreed international consensus on generating global economic growth and development.

8. *Draft resolution A/C.3/62/L.10/Rev.1, as orally revised, was adopted.*

9. **The Chairman** suggested that, in accordance with General Assembly decision 55/488, the Committee should take note of the report on the World Social Situation 2007: The Employment Imperative (A/62/168).

10. *It was so decided.*

Agenda item 63: Advancement of women (*continued*) (A/C.3/62/L.89)

Draft resolution A/C.3/62/L.89: Follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly

11. **The Chairman** informed the Committee that the draft resolution contained no programme budget implications.

12. **Mr. Ashiki** (Japan) said that the text before the Committee called for a number of national, regional and international actions aimed at achieving the full implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly. It also called on the Economic and Social Council and the Commission on the Status of Women to take specific actions, within their respective mandates, to promote the advancement of women and gender equality, and reaffirmed that gender mainstreaming was a globally accepted strategy for promoting the empowerment of women and achieving gender equality.

13. As in the past, the draft resolution addressed such issues as the impact of HIV/AIDS on women, conflict, violence against women and girls and the need to meet the urgent goal of 50/50 gender balance in the United Nations system. For the first time, it called on the stakeholders concerned to involve women actively in environmental decision-making at all levels; to integrate gender concerns and perspectives in policies and programmes for sustainable development; and to strengthen or establish mechanisms at the national, regional and international levels to assess the impact of development and environmental policies on women. He was confident that the Committee would be able to adopt the draft resolution without a vote.

14. *Draft resolution A/C.3/62/L.89 was adopted.*

15. **Mr. Rees** (United States of America) said that his delegation was obliged to dissociate itself from the consensus concerning several paragraphs of the draft resolution.

16. With regard to paragraph 2, his delegation understood that references to the Beijing Declaration and Platform for Action and their five- and ten-year reviews did not create any rights and, in particular, did not create or recognize a right to abortion. Neither could they be interpreted to constitute support, endorsement or promotion of abortion.

17. His delegation regarded the phrase "welcomes the contributions of the Committee on the Elimination of Discrimination against Women" contained in paragraph 3 as an acknowledgement of that Committee's efforts to promote the implementation of the Beijing Declaration and Platform for Action, rather than an endorsement of specific pronouncements or recommendations.

18. With regard to the call in paragraph 5 for States parties to the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto "to take into consideration the concluding comments as well as the general recommendations of the Committee [on the Elimination of Discrimination against Women]", his delegation acknowledged that Committee's important work in some areas, but had concerns about its recommendations in other areas.

19. With regard to paragraph 7, subparagraphs (j) and (k), his delegation understood that there was international consensus that the term "sexual and reproductive health" did not include abortion or constitute support, endorsement or promotion of abortion or of the use of abortifacients.

20. Lastly, his delegation did not accept the variant of the phrase "reproductive health services" contained in paragraph 7, subparagraph (j), as there was ambiguity in its meaning.

The meeting was suspended at 10.35 a.m. and resumed at 11 a.m.

21. **Ms. Gendi** (Egypt) said that her delegation had joined the consensus on the draft resolution because it was fully convinced of the importance of the subject addressed therein. It was equally convinced, however, that nothing in the draft resolution constituted support for or encouragement of abortion.

(a) Advancement of women (*continued*) (A/C.3/62/L.20/Rev.1 and L.87)

Draft resolution A/C.3/62/L.20/Rev.1: Convention on the Elimination of All Forms of Discrimination against Women

22. **The Chairman** drew attention to the statement of programme budget implications contained in A/C.3/62/L.87.

23. **Mr. Khane** (Secretary of the Committee) said that the Dominican Republic and Ecuador should have been listed as sponsors of the revised draft resolution.

24. **Ms. Wandel** (Denmark), speaking on behalf of the five Nordic countries, introduced the draft resolution and noted that Belgium, Brazil, Ghana, Malta, Moldova, Mongolia, Serbia, Sierra Leone and Ukraine had joined the sponsors. While there was broad and strong support for the core substance of the draft resolution, views differed as to the future framework and modalities for sessions of the Committee on the Elimination of Discrimination against Women. The number and location of annual sessions and the best way to process the current backlog of reports had been the subject of intense discussion. The revised text before the Committee represented a balance and, to some, a difficult compromise. It took into consideration the many, often diverging, views expressed by delegations, while providing the Committee in question with a framework that allowed it to carry out its duties and fulfil its mandate effectively.

25. Under the terms of the draft resolution, the Committee in question would meet in a total of five sessions in the biennium 2008-2009. To eliminate the backlog of country reports, three of those sessions would occur in parallel chambers. Furthermore, two of the five sessions would be held in New York to allow the Committee in question to interact with delegations to the United Nations in New York and the NGO community there. Lastly, for an interim period effective from January 2010, the Committee would hold three annual sessions.

26. **Mr. Khane** (Secretary of the Committee) said that Albania, Angola, Antigua and Barbuda, Bangladesh, Belize, Benin, Cape Verde, Côte d'Ivoire, Lebanon, Lesotho, Liberia, Mauritius, Montenegro, Morocco, the Philippines, Sri Lanka, Turkey, Uruguay and Zambia had joined the sponsors of the draft resolution.

27. **Mr. Rees** (United States of America) requested separate recorded votes on paragraphs 14 and 15 of the draft resolution.

28. **Ms. Nassau** (Australia) said that her Government was firmly committed to improving the efficiency and effectiveness of the international treaty body system and recognized the efforts of the Committee on the Elimination of Discrimination against Women to pursue budgetary and fiscal discipline and improve its working methods. However, given the Organization's current financial situation and the fact that it was increasingly asked to do more with less, it was regrettable that the programme budget implications of the proposed compromise had not been made available earlier. Her delegation supported the draft resolution on the understanding that the additional funding of the proposal to extend the meeting times of the Committee in question would be provided from within existing United Nations budgetary resources.

29. *At the request of the representative of the United States of America, a recorded vote was taken on paragraph 14 of draft resolution A/C.3/62/L.20/Rev.1.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Cape Verde, Chad, Chile, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Iraq, Ireland, Israel, Italy, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Lithuania, Luxembourg, Madagascar, Malawi, Maldives, Malta, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan,

Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

United States of America.

Abstaining:

Brunei Darussalam, Cambodia, China, Indonesia, Japan, Liechtenstein, Malaysia, Mali, Singapore.

30. *Paragraph 14 of draft resolution A/C.3/62/L.20/Rev.1 was adopted by 158 votes to 1, with 9 abstentions.*

31. **Ms. Malin** (Liechtenstein) said that her delegation agreed that the Committee on the Elimination of Discrimination against Women must be provided with a sustainable basis for its work in the coming years, particularly in view of the possible increase in reporting in the wake of the Human Rights Council's universal periodic review. However, it did not consider the authorization of three annual sessions from 2010 onwards to be the best way of achieving that. Her Government had consistently advocated the use of innovative working methods by the treaty bodies and had commended them for their willingness to test new approaches. The consideration of country reports in parallel chambers allowed for more interaction and enhanced dialogue between Committee experts and Member States, was an effective and efficient way of dealing with a large number of reports and should, therefore, have been continued on a permanent basis. Plenary sessions could still have been used to consider initial reports, finalize concluding observations and work on general recommendations, and safeguards for adequate geographical representation in the chambers could have been established as they had been before. Her delegation was concerned that the current solution would create a new backlog in the decade to come. Parallel chambers would probably then be reintroduced as a short-term remedy, rather than because of their inherent value. Another concern was that the introduction of three annual sessions pending the entry into force of the amendment to article 20, paragraph 1, of the Convention would provide a disincentive to accept that amendment. For those reasons, her delegation had been unable to sponsor the draft resolution and had abstained in the vote on paragraph 14.

32. **The Chairman** said that a recorded vote had also been requested on paragraph 15 of the draft resolution.

33. **Ms. Gendi** (Egypt), speaking in explanation of vote before the voting, said that Egypt had been among the first to sign the Convention on the Elimination of Discrimination against Women and was a prime defender of women's equal rights and women's empowerment. It consequently sought to achieve the elimination of all forms of discrimination against women, intentional or otherwise, and would therefore be voting in favour of the draft resolution as a whole.

34. It nevertheless intended to vote against paragraph 15 of the draft resolution, objecting as it did to the decision to hold three of the five sessions of the Committee on the Elimination of All Forms of Discrimination against Women in parallel chambers. That decision was prejudicial to the work of the Committee and would diminish its effectiveness, since the discussion of periodic reports demanded objectivity and impartiality, neither of which could be guaranteed if the Committee were divided into two groups. By the same token, it would be difficult to achieve a balance between any two such groups in terms of their geographical representation, legal expertise and cultural diversity. She therefore called on those who were keen to safeguard the Committee's objectivity and effective performance to join her in voting against that same paragraph. She also called on States to deposit their instruments of acceptance of the amendment to article 20 of the Convention on the Elimination against All Forms of Discrimination against Women, as Egypt had done on 2 August 2001.

35. *At the request of the representative of the United States of America, a recorded vote was taken on paragraph 15 of draft resolution A/C.3/62/L.20/Rev.1.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia,

Australia, Austria, Azerbaijan, Bahamas, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Iraq, Ireland, Israel, Italy, Jamaica, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Maldives, Malta, Mauritania, Mauritius, Micronesia (Federated States of), Moldova, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nigeria, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Republic of Korea, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Serbia, Sierra Leone, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Switzerland, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tunisia, Turkey, Uganda, Ukraine, United Republic of Tanzania, Uruguay, Zambia, Zimbabwe.

Against:

Egypt, Syrian Arab Republic, United States of America.

Abstaining:

Bahrain, Brunei Darussalam, Cambodia, Gambia, Indonesia, Japan, Kuwait, Malaysia, Mali, Mexico, Nicaragua, Niger, Oman, Pakistan, Poland, Qatar, Saudi Arabia, Singapore, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of), Yemen.

36. *Paragraph 15 of draft resolution A/C.3/62/L.20/Rev.1 was adopted by 143 votes to 3, with 22 abstentions.*

37. **Mr. Ashiki** (Japan) said that his delegation had been in favour of holding two annual sessions in parallel chambers in 2008 and 2009. The parallel chamber system was an effective and cost-effective way of tackling the backlog of country reports and, by allowing experts to speak more often and for longer, helped make the dialogue between the State party and the Committee in question more interactive and substantive. It was regrettable, therefore, that, even though the General Assembly had not yet authorized the extension of that Committee's meetings, the Secretariat was already preparing for the first session of 2008 to be conducted in the plenary style, thereby denying his and other delegations the opportunity to consider other modalities that might have addressed their concerns.

38. The Committee on the Elimination of Discrimination against Women played an important role in advancing the status of women and in promoting and protecting women's rights. However, programme budget implications the size of those arising from the adoption of the draft resolution impaired the normal functioning of the Organization's financial system. For that reason, his delegation had abstained in the vote.

39. The cost of the activities of the Committee in question from 2010 onwards should be directly proportional to the priority that the United Nations attached to the issue, should be based on the principle of "scrap and build" and the reallocation of resources and should be considered within the Secretary-General's proposed programme budget for the biennium 2010-2011.

40. **Ms. Feller** (Mexico) said that her Government was committed to fulfilling its obligations under the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, and supported the work of the Committee responsible for its implementation. Mexico had reported regularly to that Committee, had established mechanisms to ensure follow-up of all its recommendations and had even been among the first countries to receive a visit under the Optional Protocol.

41. Even though the backlog of reports was clearly due to the increasing number of countries ratifying the Convention, the States parties had an obligation to explore creative and long-term measures to enable the Committee on the Elimination of Discrimination

against Women to fulfil its duties. In its resolution 60/230, the General Assembly had decided to authorize that Committee to meet in parallel working groups on an exceptional and temporary basis. Her delegation was therefore concerned that the practice was being continued, as it limited the opportunities for equitable and objective discussion among Committee members and went against the spirit in which the Committee had been established. For that reason, her delegation had been unable to sponsor the draft resolution and had abstained in the vote on paragraph 15.

42. **Mr. Woodroffe** (United Kingdom) said that his delegation supported the drive by the Committee on the Elimination of Discrimination against Women to increase the efficiency of its working sessions. It was, however, not convinced that the proposal in paragraph 15 offered the best way of eliminating the backlog of reports. In particular, the extension of the practice of meeting in parallel chambers set an unfortunate precedent, since it reduced the opportunity for all the members of the Committee to share their expertise.

43. If the Committee were based permanently in Geneva, it would be better placed to take full advantage of the expertise and mechanisms based there. It should identify more creative ways of engaging with the rest of the gender architecture of the United Nations. Continued meetings in New York should be a transitional arrangement only. For those reasons, his delegation had abstained in the vote on paragraph 15 of the draft resolution. It remained fully supportive, however, of the Committee's important work on promoting and protecting the human rights of women around the world.

44. **Ms. Halabi** (Syrian Arab Republic) said that her delegation had voted against the adoption of paragraph 15 of the draft resolution. The Committee on the Elimination of Discrimination against Women should discontinue the practice of holding its sessions in parallel chambers, which led to a lack of objectivity and transparency in the consideration of country reports.

45. **Ms. Giménez-Jiménez** (Bolivarian Republic of Venezuela) said that her delegation's support for the work of the Committee on the Elimination of Discrimination against Women had led it to vote, at the sixtieth session, in favour of the parallel chamber procedure, on the understanding that the arrangement would be temporary. It therefore noted with concern that the draft resolution sought to make the arrangement permanent. Such a move would affect the quality of the Committee's work and reduce the contribution by experts to the recommendations to States parties. Her delegation had therefore abstained in the vote on the adoption of paragraph 15 of the draft resolution.

46. **Ms. Pérez Álvarez** (Cuba) said that, since 1959, Cuba had promoted equality between men and women and the realization of all human rights and fundamental freedoms. It had also been the first country to accede to the Convention on the Elimination of All Forms of Discrimination against Women. Despite its opposition in principle to the parallel chambers procedure Cuba had voted in favour of the adoption of paragraph 15 of the draft resolution, on the understanding that the provision concerned related to an exceptional and temporary measure intended to catch up with the backlog of reports and that, from 2010, the Committee would, in accordance with the provisions of paragraph 14, start to restrict its sessions to three per year. One of the most valuable aspects of the Committee's work was the opportunity it gave all its experts to contribute, thus ensuring a fair and balanced consideration of reports.

47. **The Chairman** invited the Committee to take action on draft resolution A/C.3/62/Rev. 1 as a whole.

48. **Mr. Rees** (United States of America), speaking in explanation of vote before the voting, said that his delegation would vote against the draft resolution, for a number of reasons. First, with regard to the seventh and eighth preambular paragraphs, it was his delegation's understanding that references to the Beijing Declaration and Platform for Action, and their five- and ten-year reviews, did not create any rights and, in particular, did not create or recognize a right to abortion. Such references could not be interpreted to constitute support for or endorsement or promotion of abortion. With regard to paragraph 2, it was the sovereign right of each State to decide whether or not it should ratify a treaty. With regard to paragraph 4, his delegation, while acknowledging the importance of the work of the Committee on the Elimination of Discrimination against Women in some areas, his delegation had serious concerns about that Committee's recommendations in other areas. Concerning paragraphs 14 and 15, the increased number of meetings that would be put in place thereby had budget implications that were unacceptable to his delegation. It was regrettable that no action had been taken to mitigate the involved costs.

49. *A recorded vote was taken on draft resolution A/C.3/62/L.20/Rev.1 as a whole.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

United States of America.

Abstaining:

None.

50. *Draft resolution A/C.3/62/L.20/Rev.1 was adopted by 173 votes to 1, with no abstentions.*

51. **Ms. Ong** (Singapore) said that, although her delegation had voted in favour of the draft resolution, it wished to explain its position concerning paragraph 6, which urged States parties to "review their reservations regularly with a view to withdrawing them". As with all other international treaties, the Convention on the Elimination of All Forms of Discrimination against Women was subject to the Vienna Convention on the Law of Treaties, which drew a distinction between permissible and impermissible reservations, depending on their compatibility with the object and purpose of the treaty concerned. Article 19 of the Vienna Convention explicitly permitted reservations, prohibiting only reservations that were incompatible with the object and purpose of the treaty. The point of reservations was to enable as many States as possible to become party to international treaties by allowing them the flexibility to reflect their own particular circumstances.

52. Her delegation remained concerned by the trend towards discouraging reservations. Such a practice was counterproductive, because it could serve only to dissuade States from becoming party to international treaties. If it was felt that certain obligations could not be the subject of reservations, the international treaty or convention concerned should explicitly prohibit reservations. The views that she had expressed applied to all General Assembly resolutions that touched on the topic of reservations.

53. **The Chairman** suggested that, in accordance with General Assembly decision 55/488, the Committee should take note of the report of the Committee on the Elimination of Discrimination against Women on its thirty-seventh, thirty-eighth and thirty-ninth sessions (A/62/38) and the report of the Secretary-General on the future operations of the International Research and Training Institute for the Advancement of Women (A/62/173).

54. *It was so decided.*

Agenda item 66: Promotion and protection of the rights of children (*continued*)

(a) Promotion and protection of the rights of children (*continued*) (A/C.3/62/L.23/Rev.1 and L.24/Rev.1)

55. **The Chairman** said that the draft resolution contained no programme budget implications.

56. **Ms. Chibesakunda** (Zambia) said that the editors had taken it upon themselves to introduce changes to the text of the draft resolution, on which delegations had spent hours of negotiations. She requested that consideration of the draft resolution should be deferred.

57. *It was so decided.*

Draft resolution A/C.3/62/L.24/Rev.1: Promotion and protection of the rights of children

58. **Mr. Khane** (Secretary of the Committee), referring to paragraph 58 of draft resolution A/C.3/62/L.24/Rev.1, which requested the Secretary-General to appoint a Special Representative on violence against children, said that the issue fell naturally within the mandate of the United Nations Children's Fund (UNICEF). The Secretary-General would therefore refer the matter to UNICEF as the entity with primary responsibility for follow-up activities relating to the United Nations study on violence against children (A/62/209). Accordingly, should the General Assembly adopt the draft resolution, there would be no financial implications under the proposed programme budget for 2008-2009.

59. **Ms. Carvalho** (Portugal), speaking on behalf of the European Union and the Group of Latin American and Caribbean States, noted that the words "contained in document A/62/228" should be inserted in paragraph 46 of the draft resolution after "the report of the Special Representative". In paragraph 58, "and independent" should be inserted before "performance". Paragraph 61 should read: "*Requests* the Special Representative of the Secretary-General on violence against children, upon her/his appointment, and the Special Representative of the Secretary-General for Children and Armed Conflict to cooperate and coordinate their activities, bearing in mind their complementarity, and in this regard ensure between them, within their respective mandates, that the situation of all children subject to or at risk of violence is addressed, including those of armed conflict, foreign occupation, genocide, crimes against humanity, war crimes, terrorism or hostage-taking, or where peacekeeping operations are deployed, in order to ensure that no child is left uncovered".

60. Her delegation had been pleased to work with other delegations in creating the historical mandate of the Special Representative of the Secretary-General on violence against children. The draft resolution was not perfect, but it reflected a good compromise and provided a sound basis for future work towards the goal of a world fit for children. The following Member States had joined the sponsors listed in the text of the revised draft resolution: Australia, Azerbaijan, Egypt, Gabon, Ghana, Kazakhstan, Lebanon, Mongolia and the United Republic of Tanzania.

61. **Mr. Khane** (Secretary of the Committee) said that Belarus, Chad, the Democratic Republic of the Congo, Ethiopia, Gambia, Iraq, Morocco, Mozambique, Namibia, Senegal, South Africa, Swaziland and Uzbekistan had also become sponsors of the draft resolution as orally revised.

62. **Ms. Carvalho** (Portugal) said that the main sponsors wished to make several minor technical corrections to the text of the draft resolution, but that, if the Committee agreed, she would submit those changes in writing to the secretariat in order to save time.

63. **Ms. Gendi** (Egypt) said that her Government had long been an active advocate of children's rights and that the elimination of all forms of violence against children was a high priority on its national agenda. Her delegation had participated extensively in the informal negotiations which had led to the revised text of the draft resolution currently before the Committee. The resolution was a landmark achievement in several respects, notably the provisions concerning the appointment of a Special Representative of the Secretary-General on violence against children and the role of both that Special Representative and the Special Representative of the Secretary-General for Children and Armed Conflict in addressing all forms of violence perpetrated against children living under foreign occupation.

64. Her delegation had hoped that the main sponsors would realize the importance of providing funding from the regular budget for the mandate of the Special Representative of the Secretary-General on violence against children in order to ensure the transparency, independence and sustainability of his/her work.

However, in the light of the overwhelming support among the sponsors for funding through voluntary contributions, and bearing in mind that the mandate of the Special Representative, including its funding, would be reviewed in three years' time, her delegation had decided to join in the consensus on the resolution and to become a sponsor thereof.

65. **The Chairman** said that a recorded vote had been requested on draft resolution A/C.3/62/L.24/Rev.1, as orally revised.

66. **Mr. Saeed** (Sudan), making a general statement on the draft resolution before the voting, said that it was his delegation's understanding that operative paragraph 53 condemned all kinds of abduction of children, including abductions carried out under the cover of humanitarian action by organizations such as the French organization L'arche de Zoé/Children Rescue, which had kidnapped children from Darfur with the intention of trafficking them. Such conduct was obviously incompatible with international humanitarian law and the principles of human rights and humanitarian action. His delegation supported the draft resolution currently before the Committee, but would like to see future resolutions on the promotion and protection of children's rights clearly address the issue of abduction and trafficking of children under the pretext of humanitarian action.

67. **Mr. Ramadan** (Lebanon) welcoming the consensus that had emerged with regard to the establishment of the mandate of the Special Representative of the Secretary-General on violence against children, emphasized that the independent performance of his/her mandate referred to in paragraph 58 as orally revised, should include independence in the management of resources. His delegation's understanding of paragraph 61 was that no children would be left uncovered, whether their situation fell under the purview of the Special Representative on violence against children or under that of the Special Representative for Children and Armed Conflict.

68. **Mr. Hagen** (United States of America), speaking in explanation of vote before the voting, said that his Government welcomed the interest of the United Nations in issues relating to children and was committed to ensuring that protection of the rights of children was fully integrated into its foreign policy. The United States had ratified the two Optional Protocols to the Convention on the Rights of the Child. However, his Government had repeatedly raised concerns about the Convention itself, in particular the fact that it conflicted with the provisions of United States domestic law in areas such as education, health and criminal justice. In addition, in some cases it created a tension between the rights of children and the authority of parents. At the same time, however, the Convention contained many positive principles and standards which the United States applied in practice. Nevertheless, his delegation could not accept the draft resolution's overemphasis on the Convention or the assertion that it "must constitute the standard in the promotion and protection of the rights of the child".

69. His delegation continued to maintain that the process for dealing with the resolutions on the rights of children within the Third Committee must change. What was a needed was a text that was shorter and targeted on specific issues of critical importance to children that were not addressed in other resolutions. His delegation would vote against the draft resolution for the foregoing reasons and because it contained problematic language, including unacceptable language from past resolutions, which his Government had repeatedly asked the sponsors to eliminate, amend or address elsewhere.

70. **Mr. Aksen** (Turkey) said that Turkey had a been a sponsor of past resolutions on the rights of children, but unfortunately could not join in sponsoring the current draft resolution. His delegation would vote in favour of the resolution, but it dissociated itself from paragraph 42.

71. *At the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/C.3/62/L.24/Rev.1, as orally revised.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic,

Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

United States of America.

Abstaining:

None.

72. *Draft resolution A/C.3/62/L.24/Rev.1, as orally revised, was adopted by 176 to 1, with no abstentions.*

73. **Mr. Ashiki** (Japan) said that his delegation considered it important to address the issue of promotion and protection of children's rights in a comprehensive manner and had therefore voted in favour of the draft resolution. However, under Japanese law, the duty to prosecute perpetrators of crimes against children was carried out with due consideration of the characteristics of the offender, the gravity of the offence and the circumstances under which it had been committed. The Japanese authorities might opt not to prosecute if, for example, they deemed that a perpetrator could be rehabilitated. In his Government's view, that practice did not conflict in any way with subparagraph 57 (e) of the draft resolution.

74. **Mr. Hermoso** (Philippines) said that his delegation had voted in favour of the draft resolution and would have liked to become a sponsor, but the references in the resolution to the International Criminal Court had prevented it from doing so. The Philippines was a signatory to the Rome Statute of the Court, but had not yet ratified it.

75. **Ms. Halabi** (Syrian Arab Republic) said that her delegation had voted in favour of the resolution and that it appreciated, in particular, the sponsors' efforts to address her Government's concerns regarding the situation of children living under foreign occupation. Her delegation took it that paragraph 61 gave the Special Representative of the Secretary-General a clear mandate to address all forms violence against such children. Her Government reserved the right to interpret paragraphs 15, 17, 18 and 32 in accordance with Syrian national legislation.

76. **Ms. Kohli** (Switzerland) said that Switzerland was a strong supporter of the Convention on the Rights of the Child and of the work of both the Committee on the Rights of the Child and UNICEF. It had traditionally been a sponsor of the omnibus resolution on the rights of the child, despite its growing dissatisfaction with the negotiation process. For many years it had voiced its concerns regarding a lack of transparency, but there had been no improvement. Once again in the current session, the draft text had been released very late, and owing to the intense preliminary negotiations by the two lead sponsors, opportunities to contribute to it had been few. An inclusive process would have been especially desirable in the current year, when the resolution created the new mandate of the Special Representative on violence against children. Switzerland had tried to put forward alternative ideas on follow-up to the important report of the independent expert for the United Nations study on violence against children, but unfortunately the mandate had been discussed only superficially. Experience with the creation of new mandates of that type had shown that certain safeguards were needed to avoid overlap and to ensure that existing actors cooperated effectively.

77. The omnibus resolution had grown on an ad hoc basis since its inception in 1994. It was long, repetitive and not forward-looking. With the primary concern tending to be to defend previous texts, the debate on the resolution was sterile and repetitive. Consequently Switzerland had decided to withdraw its sponsorship.

78. **Ms. Laurenson** (New Zealand) said that her country was committed to the promotion and protection of the rights of the child, and had once again sponsored the draft resolution. However, it reiterated its call for a new approach to the debate on the topic in the Committee. The length and level of detail of the omnibus text were not conducive to constructive debate. Rather than repeating previously agreed chapters year after year, New Zealand favoured the introduction of a focused and progressive thematic debate and resolution. For example, the debate at the present session could have concentrated solely on violence against children, including the mandate of the Special Representative. If the Committee was to produce an effective resolution that resulted in real advances, the following year's resolution and debate should concentrate on a particular theme. Such an approach would result in a considerably shorter and more focused resolution. Also, the resolution must be open to inclusive debate at a much earlier point.

Draft resolution A/C.3/62/L.21/Rev.1: Supporting efforts to end obstetric fistula

79. **Ms. Sow** (Senegal) said that while her delegation was grateful to the Secretariat for reissuing A/C.3/62/L.21/Rev.1 for technical reasons, Senegal and other delegations remained concerned about some corrections that had not yet been made. Senegal would discuss the matter with the Secretariat.

80. **Ms. Borjas-Chávez** (El Salvador) said that her country wished to join the sponsors of draft resolution A/C.3/62/L.21/Rev.1.

Agenda item 68: Elimination of racism and racial discrimination (*continued*) (A/C.3/62/L.65 and L.90)

Draft resolution A/C.3/62/L.65: From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of follow-up to the Durban Declaration and Programme of Action

81. **The Chairman** drew the attention of the Committee to the statement of programme budget implications of the draft resolution, contained in document A/C.3/62/L.90.

82. **Mr. Hayee** (Pakistan) requested that action on the draft resolution should be deferred until a later meeting.

83. *It was so decided.*

Agenda item 70: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/62/L.38, L.40, L.44, L.47/Rev.1 and L.91)

Draft resolution A/C.3/62/L.38: Status of internally displaced persons and refugees from Abkhazia, Georgia

84. **Ms. Tchitanava** (Georgia) said that her delegation wished to withdraw draft resolution A/C.3/62/L.38.

Draft resolution A/C.3/62/L.40: Protection of migrants

85. **Mr. Khane** (Secretary of the Committee) noted that at its 58th meeting, the Committee had requested the Secretary-General to arrange two sessions for the Committee on Migrant Workers in 2008. In accordance with rule 19 of the Committee's provisional rules of procedure, the Secretary-General had prepared and circulated to the Committee members an oral statement on the estimated cost, which was attached as annex III of the Committee's report (A/62/48).

86. The Committee had been informed that the total estimated provision for travel and daily subsistence allowance for the independent experts of the Committee proposed in the 2008-2009 proposed programme budget amounted to $183,200 under section 23, Human rights. The Committee had also been informed that the total costs of travel and daily subsistence allowance for the independent experts for the activities envisaged under the terms of the decision would amount to $180,000 for 2008 under section 23, Human rights, and that since the pattern of meetings proposed for 2008 would remain unchanged, there would not be any additional requirements for conference services to be provided to the Committee. If, therefore, the draft resolution were to be adopted by the General Assembly, the estimated resource requirement of $180,000 for 2008 could be accommodated within the provision included under

section 23, Human rights, of the proposed programme budget for the biennium 2008-2009. Based on experience in the servicing of the sessions of the Committee in 2008, any implications relating to the resource requirements, under section 23, Human rights, of the programme budget for the biennium 2008-2009 arising from decisions that would be taken by the Committee on the patterns of its session for 2009 would be transmitted to the Committee in 2008 in accordance with established procedures.

87. **Mr. Ochoa** (Mexico) said that consultations on the draft resolution were continuing, and requested that action on it should be deferred until a later meeting.

88. *It was so decided.*

Draft resolution A/C.3/62/L.44: Subregional Centre for Human Rights and Democracy in Central America

89. **The Chairman** drew the attention of the Committee to the statement of programme budget implications of the draft resolution contained in document A/C.3/62/L.91.

90. **Ms. Mballa Eyenga** (Cameroon) said that the delegations concerned were still negotiating the wording of the draft resolution, and requested that action on it should be deferred until a later meeting.

91. *It was so decided.*

Draft resolution A/C.3/62/L.47/Rev.1: Protection of human rights and fundamental freedoms while countering terrorism

92. **The Chairman** said that the draft resolution had no programme budget implications.

93. **Ms. Feller** (Mexico) introduced the draft resolution, noting that Brazil, Denmark, Moldova and the United States of America had joined the sponsors. The draft resolution was the result of an open process of negotiations, in which allowance had been made for the opinions of all Member States, and through which valuable proposals had been included from several different delegations. The sponsors of the initiative were in agreement that while terrorism was a grave problem for the security of States, the essential need to protect their populations from acts committed against their security, including terrorist acts, did not justify the abolition or permanent suspension of the human rights of the persons who were under their jurisdiction.

94. Convinced that respect for and promotion of human rights must be a fundamental element of the legislative, administrative and other measures adopted to combat terrorism, the sponsors had identified in the text those practices that were of particular concern, in order that tangible measures could be taken to eliminate them. The terms of the resolution had been strengthened in order to make it compatible with the obligations of States under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention relating to the Status of Refugees, as well as other relevant human rights instruments.

95. The sponsors reiterated their appreciation for the work of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, together with that of the High Commissioner for Human Rights, to promote the objectives of the draft resolution.

96. **Mr. Khane** (Secretary of the Committee) said that Belarus, the Comoros, Croatia, Georgia, Iceland, Lebanon, Mali, Malta, Montenegro, Nicaragua, Nigeria, the Philippines, Serbia, Slovakia, the former Yugoslav Republic of Macedonia and the United Republic of Tanzania had joined the sponsors.

97. *Draft resolution A/C.3/62/L.47/Rev.1 was adopted.*

The meeting rose at 1 p.m.